IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH

WEDNESDAY, THE 21ST FEBRUARY 2007 / 2ND PHALGUNA 1928

WP(C).No. 36300 of 2003(U)

PETITIONER:

**COCHIN CO-OPERATIVE HOSPITAL SOCIETY LTD
NO.K-288, ERNAKULAM.**

BY ADV. SRI.ELVIN PETER P.J.

RESPONDENTS:
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1. **THE SECRETARY,
   DEPARTMENT OF CO-OPERATION, SECRETARIAT,
   TRIVANDRUM.**

2. **THE REGISTRAR OF CO-OPERATIVE SOCIETIES,
   TRIVANDRUM.**

3. **THE JOINT REGISTRAR OF CO-OPERATIVE
   SOCIETIES (GENERAL), ERNAKULAM.**

4. **SMT.K.A. ANNAMMA,
   X-RAY TECHNICIAN, INDIRA GANDHI CO-OPERATIVE
   HOSPITAL, GANDHI NAGAR, COCHIN.**

BY GOVT. PLEADER SRI. MANOJ.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 21/02/2007,THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

W.P.(C). NO.36300/2003:

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P.1: COPY OF THE COMMUNICATION NO. LR. NO. DRS/CO-OP: HOSPITAL/99/01 DTD. 06/07/99 ISSUED BY THE DIRECTORATE OF RADIATION SAFETY.

EXT.P.2: COPY OF THE LETTER NO. MT1/30383/99 DT. 26/07/99 ISSUED BY THE R.2.

EXT.P.3: COPY OF THE ORDER DTD. 27/08/99 ISSUED BY THE PETITIONER.

EXT.P.4: COPY OF THE ORDER NO. H.M. 6099/99 DT. 28/08/99 ISSUED BY THE R3.

EXT.P.5: COPY OF THE G.O. (R.G) 248/2001 DT. 19/05/2001 ISSUED BY THE GOVT.

EXT.P.6: COPY OF THE CIRCULAR NO.MF (1) 42410/99 DT. 11/07/01 ISSUED BY THE R.2.

EXT.P.7: COPY OF THE PROCEEDINGS DT. 30/08/01 ISSUED BY THE PETITIONER.

EXT.P.8: COPY OF THE ORDER NO. 4873/01 DT. 16/01/2002 ISSUED BY THE R.3.

EXT.P.9: COPY OF THE APPEAL DT. 09/03/2002 FILED BY THE PETITIONER BEFORE THE R.1.

EXT.P.10: COPY OF THE G.O. (RT). NO. 516/2003/CO-OP. DTD. 04/09/2003 ISSUED BY THE R.1.

RESPONDENT'S EXHIBITS:

EXT.R4.A: COPY OF THE CIRCULAR NO. 28/2001 ISSUED BY THE REGISTRAR OF CO-OPERATIVE SOCIETIES VIDE REF. MF (1)42410/99 DTD. 11/07/2001.

EXT.R4.B: COPY OF THE ORDER OF SUSPENSION NO. IGCH/38/DA/2004 DTD. 04/09/2004 ISSUED BY THE PETITIONER AGAINST THE R.4.

//TRUE COPY//

prv.

KURIAN JOSEPH, J.

W.P.(C) No.36300 of 2003

Dated 21st February, 2007.

J U D G M E N T

The writ petition is filed mainly with the following prayers :-

> (i) "Issue a writ of certiorari calling for the records leading to Exts.P8 and P10 and quash the same.;
>
> (ii) Issue a writ of mandamus declaring that the resolution of the petitioner society deploying the 4th respondent as Attender from the post of X-ray Technician in implementation of Ext.P1 order is perfectly legal and valid."

It is reported that during the pendency of the writ petition, 4th respondent was terminated from service, she had pursued a civil suit and the suit itself has been rejected without prejudice to the liberty to the 4th respondent to pursue the matter in appropriate proceedings. In view of such intervening developments, it is not necessary to consider this writ petition on merits. It is closed, leaving the contentions open.

KURIAN JOSEPH, JUDGE.

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KURIAN JOSEPH, J

W.P.(C)No. of 2002

J U D G M E N T

Dated 21st February, 2007.